

### **Remarks**

Applicant respectfully requests reconsideration of this application. Claims 1-27 are pending. Claims 1, 2, 11-13, 15, 16, 19-21, and 26 have been amended. No claims have been cancelled. No claims have been added.

Therefore, claims 1-27, as amended, are presented for examination.

### **35 U.S.C. §112 Rejection**

The Examiner rejected claims 15 and 26 under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Without any concession regarding the rejection, claims 15 and 26 have been amended. As amended, the claims are clarified to indicate that an authentication procedure is provided in the IEEE Standard 802.11 Specification.

### **35 U.S.C. §102 Rejection**

#### **Stewart, et al.**

The Examiner rejected claims 1-27 under 35 U.S.C. 102(e) as being anticipated over U.S Patent 6,259,405 of Stewart, et al. (hereinafter referred to as “Stewart”).

It is respectfully submitted that Stewart does not contain the elements of the claims presented here.

Without any concession regarding the rejection, claim 1 has been amended. As amended herein, claim 1 reads as follows:

1. A method comprising:

broadcasting a synchronization signal from a wireless access point device indicating a mode of operation and available network services;

receiving a request for establishment of a connection from a non-authorized device in response to the broadcast of the synchronization signal; and

establishing a connection between the non-authorized mobile device and the access point device.

Claim 1 provides for *broadcasting a synchronization signal from a wireless access point device indicating a mode of operation and available network and receiving a request for establishment of a connection from a non-authorized device in response to the broadcast of the synchronization signal*. In addition to other distinctions, these elements are not presented in, or taught or suggested by, the Stewart reference.

Stewart provides for a portable computing device (PCD) that, among other things, may transmit a signal indicating the presence of the PCD and providing identification information regarding the mobile user. (E.g., Stewart, col. 2, lines 52-55; Fig. 5, element 510.) Further, Stewart makes mention of a system in which an access point (AP) scans for and detects PCDs. (See Stewart, Fig. 4, elements 410-430)

However, there is no discussion in Stewart concerning a method or apparatus to broadcast a synchronization signal or to receive a request for establishment of communication in response to the broadcast. With regard to claim 1 as it existed prior to amendment, the Office Action cites to certain portions of Stewart that are not relevant to the elements in question. Figure 1A, element 120 illustrates a wireless access point that, for example, a PCD may communicate with. (Stewart, col. 6, lines 39-49) As indicated above, Figures 4 and 5 show a different type of operation. The cited portion of Stewart on column 12, line 57 through column 13, line 25 discusses methods for an AP to

determine whether to offer services to a non-registered mobile unit (MU) and methods to determine what service to provide if service is to be offered.

Stewart thus does not teach or suggest a system in which a process or apparatus provides for actively broadcasting a synchronization signal that indicates a mode of operation and available network services, nor for receiving a request that is made in response to such a signal. The processes discussed in Stewart discuss processes involving scanning for and responding to PCDs, not for the type of operation provided in claim 1.

Therefore, for the reasons shown above and other reasons, Stewart does not anticipate all the elements of claim 1. It respectfully submitted that such claim is patentable.

It is submitted that the arguments presented above also apply to independent claims 16 and 21, and for this reason, among others, these claims are not anticipated by Stewart. The remaining rejected claims are dependent claims and are allowable because they are dependent on the allowable base claims.

### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the Amendment and Remark, and that the claims are in condition for allowance. Accordingly, Applicant respectfully requests the objections and rejections be withdrawn and the claims be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for a one-month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136 (a) should one be necessary. A check in the amount of \$110.00 is enclosed for such fee pursuant to 37 C.F.R. § 1.17 (a).

### **Charge our Deposit Account**

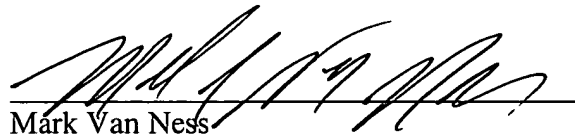
Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

7/26/04



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